

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY HOBSON,

Petitioner,

v.

RONALD OLIVER, *et al.*,

Respondents.

Case No. 2:20-cv-00503-KJD-NJK

ORDER

In this habeas corpus action, brought under 28 U.S.C. § 2254 by Tony Hobson, who is represented by appointed counsel, on September 3, 2024, the Court granted Hobson's Motion to Reopen (ECF No. 52) and lifted the stay of this action. ECF No. 55.

In his Motion to Reopen, Hobson expressed that he wished to file an amended petition. ECF No. 52 at 2 n.1. In the order lifting the stay, the Court granted Hobson the opportunity to file an amended petition and set a schedule for Hobson to do so. ECF No. 55 at 2 (the order referred to the amended petition as a second amended petition; it will actually be Hobson's fourth amended petition). The Court does so to allow Hobson to update the procedural allegations in the petition, and also to save judicial resources and prevent the delay that would be occasioned by litigating Respondents' defenses to certain claims in the context of a motion for leave to amend, rather than in a motion to dismiss with all Respondents' defenses to all claims.

Notwithstanding the provision in the September 3 order granting leave to file his amended petition, on October 3, 2024, Hobson filed a Motion for Leave to File Fourth Amended Petition (ECF No. 56), with the proposed Fourth Amended Petition attached (ECF No. 56-1). Because the Court has already granted Hobson the opportunity to file the fourth amended petition, Hobson's motion is unnecessary, and it will be denied as

1 moot. The Court will direct the Clerk of the Court to separately file the fourth amended
2 petition.


3 In granting Hobson leave to file the fourth amended petition, the Court does not
4 intend to affect in any manner, or make any comment upon, the operation of any statute
5 of limitations in this case. Nor does the Court intend to affect in any manner, or make
6 any comment upon the merits of, any other defense Respondents may assert. The
7 Court will set a schedule, consistent with the schedule in the September 3 order (ECF
8 No. 55), for Respondents to file an answer or other response to the fourth amended
9 petition. Respondents may assert their defenses to any or all of Hobson's claim in a
10 motion to dismiss.

11 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Leave to File Fourth
12 Amended Petition for a Writ of Habeas Corpus (ECF No. 56) is **DENIED** as
13 unnecessary and moot.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to separately
15 file Petitioner's Fourth Amended Petition for a Writ of Habeas Corpus (ECF No. 56-1).

16 **IT IS FURTHER ORDERED** that Respondents will have 90 days from the date
17 this order is entered to file an answer or other response to Petitioner's Fourth Amended
18 Petition for a Writ of Habeas Corpus.

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20 DATED THIS 8th day of October, 2024.

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23 KENT J. DAWSON
24 UNITED STATES DISTRICT JUDGE
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